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JUL 14 2004

OFFICE OF PETITIONS

In re Application of :
Levnat : DECISION REFUSING STATUS
Application No. 10/719,622 : UNDER 37 CFR 1.47(b)
Filed: November 21, 2003 :
Atty. Dkt. No.: 847-072 :
For: STAINLESS STEEL UNSEALED :
MOTOR :
:

This decision is in response to the petition under 37 CFR 1.47(b),
filed May 28, 2004.

The petition is DISMISSED.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed November 21, 2003 without an executed oath or declaration and naming Moshe Levnat as sole inventor. Accordingly, a Notice to File Missing Parts of Nonprovisional Application was mailed March 8, 2004. Petitioner responded with the instant petition on May 28, 2004. The response lacked the required declaration. Hence, a Notice of Incomplete Reply was mailed April 14, 2004. There is no indication in the official application file that a response to the Notice of Incomplete Reply has been filed.

A grantable petition under 37 CFR 1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115

and 116; (3) the petition fee; (4) a statement of the last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) a showing that such action is required to preserve the rights of the parties or to prevent irreparable damages.

The instant petition lacks items (2), (4), and (5).

The instant petition lacks item (2) set forth above. An acceptable oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. Any renewed petition must be accompanied by an oath or declaration in accordance with 37 CFR 1.63 and 1.64. The declaration should be executed by a corporate officer, such as the president, vice president, secretary, or treasurer of the assignee on behalf of and as agent for the non-signing inventor. The corporate officer's title or position must be identified in the declaration. If an officer is unavailable to execute the declaration, the declaration may be signed on behalf of the corporation by one whose proof of signing authority has been submitted to the Office, such as the corporation's attorney. The signature block of the non-signing inventor should remain unexecuted. Petitioner's attention is directed to MPEP 409.03(b) for further guidance.

As to item (4), the petition lacks a statement setting forth the last known address of the inventor. Any renewed petition should include a short statement setting forth the last known legal address of the inventor.

As to item (5), petitioner has presented no evidence of proprietary interest in the above-referenced application. Any renewed petition must establish that the invention has been assigned to applicant, that the inventor has agreed in writing to assign the invention to an applicant, or that an applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application. Petitioner must submit a copy of employment agreement between the inventor and an applicant or a legal memorandum signed by an attorney familiar with the law of the jurisdiction stating that a court of competent jurisdiction would by weight of authority in that jurisdiction award title of the invention to a Rule 47 applicant.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450

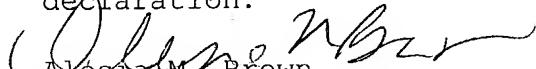
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By facsimile: (703) 872-9306

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Petitioner is encouraged to contact the undersigned at (703) 305-0310 for any clarification regarding the submission of a proper declaration.



Alesta M. Brown
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Office of Petitions